

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

SEATTLE POLICE OFFICERS' GUILD)
(SPOG), a Washington labor organization,)
SEATTLE PARKING ENFORCEMENT)
OFFICERS' GUILD (SPEOG), a Washington)
labor organization; SEATTLE POLICE)
DISPATCHERS' GUILD (SPDG), a)
Washington labor organization;)
PROFESSIONAL & TECHNICAL)
EMPLOYEES, LOCAL 17, a Washington)
labor organization; and TEAMSTERS LOCAL)
117, a Washington labor organization.)
Plaintiffs,)
v.)
CITY OF SEATTLE, a municipal corporation;)
FELIPE HEMMING, individually; and)
PINAC News.)
Defendants.)

No. 16-2-11369-9 SEA
[PROPOSED] Order
[CLERK's ACTION REQUIRED]

Plaintiffs seek a Preliminary Injunction under the Public Records Act (“PRA”), RCW 42.56 to prevent the disclosure of any photographs revealing the identity of Seattle Police Department (“SPD”) employees. Under RCW 42.56.540, a preliminary injunction may issue if (1) the records in question specifically pertain to the party, (2) a statutory exemption applies, and (3) disclosure would not be in the public interest and would substantially and irreparably harm that party or a vital government function. *Ameriquest Mortg. Co. v. Office of the Attorney General*, 177 Wn.2d 467, 487, 300 P.3d 799 (2013).

[PROPOSED] ORDER -1
Case No. 16-2-11369-9 SEA

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1 As the labor unions representing various bargaining units of SPD employees, the records
2 at issue plainly pertain to the Plaintiffs and their members. As explained below, this Court finds
3 several PRA exemptions apply. Lastly, disclosure of the SPD employee photographs would not
4 be in the public interest. Disclosure would both undermine the safety, security and effectiveness
5 of the City's law enforcement personnel and would compromise and interfere with security and
6 access to secure City facilities. Given the potential harm to police department employees, the
7 equities weight in support of the Preliminary Injunction.

8 This Court makes the following further findings of fact and conclusions of law:

9 (1) Mr. Hemming's January 4, 2016 Public Records Act request for "badge photos" is
10 improper because the photos in question are exempt from disclosure under RCW 42.56.250(8)
11 and because Hemming does not meet the definition of "media" this exemption applies and
12 prohibits disclosure under the PRA.

13 (2) Mr. Hemming's January 4, 2016 Public Records Act request for "badge photos" is
14 improper because the photos in question are exempt from disclosure under RCW 42.56.240(1)
15 because they are specific intelligence information the nondisclosure of which is essential to
16 effective law enforcement or for the protection of any person's right to privacy.

17 (3) Mr. Hemming's January 4, 2016 Public Records Act request for "badge photos" is
18 improper because the photos in question are exempt from disclosure under RCW 42.56.230(3)
19 because the photos qualify as personal information in files maintained for employees of any
20 public agency to the extent that disclosure would violate their right to privacy.

21 (4) Mr. Hemming's January 4, 2016 Public Records Act request for "badge photos" is
22 improper because the photos in question are exempt from disclosure under RCW 42.56.420
23 because the photos are assembled and maintained to prevent and mitigate acts (including but not

1 limited to unlawful access to secure City buildings and facilities) that would significantly disrupt
2 the conduct of government.

3 Therefore, IT IS HEREBY ORDERED that the City of Seattle is enjoined from releasing
4 photographs of SPD employees.

5
6 DONE IN OPEN COURT this _____ day of May 2016.

7
8 JOHANNA BENDER, Judge
King County Superior Court

9 Presented by:

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[PROPOSED] ORDER -3
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[PROPOSED] ORDER -4
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